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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,382	11/03/2003	Chang-Bong Choi	IK-0068	2720

34610 7590 07/21/2005

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,382	Applicant(s) CHOI, CHANG-BONG	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

This is a first office action on the merits of application SN 10/698,382.

Drawings

1. Figures 1, 2a, 2b, 2c should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cushioning member installed on the main body of the refrigerator of claim 4 and the plurality of cushioning members of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

Art Unit: 3637

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Art Unit: 3637

The last two lines of claim 1 contradict itself. The use of the gasket is to be in contact with the main body of the refrigerator when the door is closed. The applicant should consider changing the word "contact" to "over compression" or in mentioning when the contact is broken in the pivoting process, the current phrasing implies that the gasket does not contact the main body of the refrigerator even when closed. Also the applicant should describe the door with respect to the pivot axis since the word "below" in the second to last line implies a door that pivots down.

5. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In order to understand where the gasket is formed relative to the axis of rotation, the applicant needs to describe the position of the axis.

Claim Rejections - 35 USC § 103

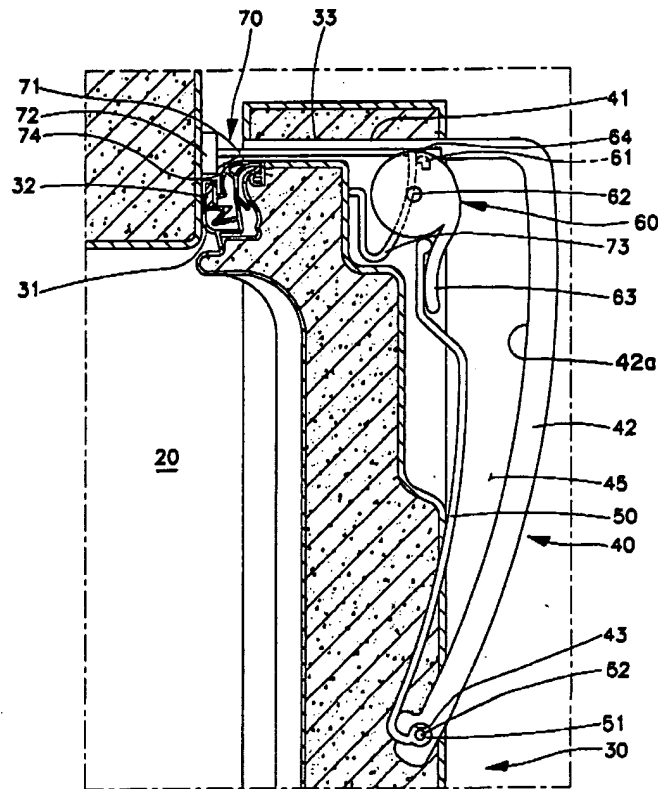
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosed prior art (fig. 1, 2a, 2b, 2c) in this application in view of U.S. Patent

Art Unit: 3637

5,915,805 to Lee. The prior art (fig. 1, 2a, 2b, 2c) discloses a drawer body (3) that slides in and out on drawer rails (9). A door (2) is connected to pin (7), which is the axis of rotation. The door (2) has a gasket (8) around the edge that comes in contact with the main refrigerator body (1) when the door is closed. The gasket (8) is formed below the axis of rotation (7). The drawn prior art does not disclose expressly a cushion member or a plurality of cushion members that prevents contact of the gasket with the main body of the refrigerator when the door pivots on the axis of rotation and that is installed on the door of the refrigerator. Lee '805 discloses a refrigerator door (30) with a handle (40). A cushioning member (72) is towards the outside edge of the door side of the gasket (31), in figure 6 this side is above. The cushioning member (72) is attached to the handle (40) such that when the door pivots, the gasket (31) is prevented from contact with the main body of the refrigerator (10).



Lee '805 Figure 6

For 1, 3, and 4, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take the drawn prior art in this application and add the cushion member (72) of Lee '505 to the door of the refrigerator or to install it on main body of the refrigerator below the gasket, since below is side of the outside edge of the door, in order to prevent compression of the gasket between the door and the main body of the refrigerator and to make the door easier to open.

With respect to claim 5, it would have been obvious matter of design choice to modify Lee '505 by having the cushion member be a roller, since the applicant has not

Art Unit: 3637

disclosed that having this specific shape solves any stated problem or is for any particular purpose and it appears that the cushion member would perform equally well as a rubber pad.

For claim 6, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take cushion member (72) and attach multiple ones, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Publication 2003/0071549 to Tarantik discloses a refrigerator with a door that is movable in the perpendicular direction relative to the pivot axis of the door. U.S. Patent 5,702,168 to Shin discloses a damping apparatus that cushions the door when opening and closing. U.S. Patent Publication 2003/0132690 to Shin et al. discloses a small door inside the larger door of the refrigerator that when folded down has a member (45) that sticks out to stop the door from rotating too far. U.S. Patent 5,975,663 to Becker discloses a doorstop that is attached to the door of the refrigerator, which prevents the door from opening too far. U.S. Patent 5,860,717 to Mizrahi discloses a cabinet with drawers that have rollers on the ends to prevent the cabinet door from getting scratched. U.S. Patent 2,591,003 to Philipp discloses a refrigerator with a gasket and a baffle member.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/15/05

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